

1 SCOTT N. SCHOOLS  
2 United States Attorney  
3 Attorney for Plaintiff

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RICHARD W. WIERING  
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U.S. DISTRICT COURT  
NO. DIST. OF CAL. S.J.

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DAVID RAY HERNANDEZ,  
aka "SHAGGY"

15 Defendant.  
16

No. CR 07-00506  
No. CR 07-00508

**PENALTY ENHANCEMENT PURSUANT  
TO TITLE 21, UNITED STATES CODE,  
SECTIONS 841(b)(1)(B) AND 851**

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18 INFORMATION

19 The United States Attorney charges:

20 Pursuant to Title 21, United States Code, Sections 841(b)(1)(B) and 851, that at the  
21 time of the offenses charged against defendant DAVID RAY HERNANDEZ in the above-captioned  
22 indictments, he previously had been convicted of felony drug offenses, which convictions were final,  
23 as follows:

24 1. On or about 02/02/2000 in San Benito County Superior Court,  
25 Docket Number: CR9937444, the defendant was convicted of California Health & Safety Code  
26 Section 11378, and was sentenced to 36 months probation, 120 days imprisonment.

INFORMATION

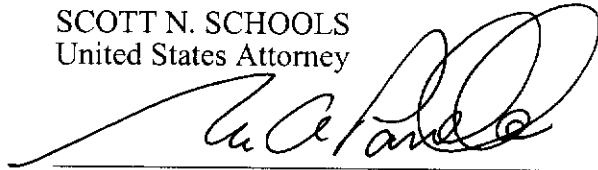
2. On or about 05/28/2003 in Santa Clara County Superior Court, Docket Number: F9987223, the defendant was convicted of California Health & Safety Code Section 11377(A), and sentenced to 60 days probation, 60 days imprisonment.

3. On or about 01/10/2007 in San Benito County Superior Court, Docket Number: CR0600784, the defendant was convicted of California Health & Safety Code Sections 11378 and 11359, and sentenced to 32 months imprisonment.


By reason of his conviction on any of the above-listed charges, the defendant is subject to increased punishment as prescribed by Title 21, United States Code, Section 841(b)(1)(B), that is, a 10-year mandatory minimum prison sentence, a maximum prison sentence of life, a maximum fine of \$4,000,000, and a maximum supervised release term of life (minimum: 8 years).

DATED: December 3, 2007

SCOTT N. SCHOOLS  
United States Attorney



MATTHEW A. PARRELLA  
Chief, San Jose Office

(Approved as to form: )  
AUSA O'CONNELL